

APPEAL, STAY

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-10451-RWZ**

Schmitt v. Smith et al  
Assigned to: Judge Rya W. Zobel  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/02/2004  
Jury Demand: Defendant  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Joseph P. Schmitt**

represented by **Joseph P. Schmitt**  
M-81137  
Massachusetts Treatment Center  
30 Administration Road  
Bridgewater, MA 02324-3230  
PRO SE

V.

**Defendant**

**Jeffrey Smith**

represented by **C. Raye Poole**  
Department of Correction  
70 Franklin Street  
Suite 600  
Boston, MA 02110  
617-727-3300  
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Email: CRPoole@doc.state.ma.us  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jody T. Adams**  
Department of Correction  
70 Franklin Street  
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Boston, MA 02110  
617-727-3300  
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*LEAD ATTORNEY*  
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**Philip W. Silva, IV**  
Department of Correction  
20 Administration Road  
Bridgewater, MA 02324  
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Email: PWSilva@doc.state.ma.us  
*ATTORNEY TO BE NOTICED*

**Defendant**

**William Grossi**

represented by **C. Raye Poole**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jody T. Adams**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Philip W. Silva, IV**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Peter Allen**

represented by **C. Raye Poole**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jody T. Adams**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Philip W. Silva, IV**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Michael T Maloney**

represented by **C. Raye Poole**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jody T. Adams**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**William Faria**

represented by **C. Raye Poole**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jody T. Adams**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Philip W. Silva, IV**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Ernest Therien**

represented by **C. Raye Poole**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jody T. Adams**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Philip W. Silva, IV**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Massachusetts Department of**

represented by **C. Raye Poole**

**Corrections**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jody T. Adams**  
 (See above for address)  
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**Philip W. Silva, IV**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
03/02/2004	<u>1</u>	MOTION for Leave to Proceed in forma pauperis by Joseph P. Schmitt.(Jenness, Susan) (Entered: 03/05/2004)
03/02/2004	<u>2</u>	AFFIDAVIT in Support re <u>1</u> MOTION for Leave to Proceed in forma pauperis. (Jenness, Susan) (Entered: 03/05/2004)
03/02/2004	<u>3</u>	COMPLAINT against all defendants, filed by Joseph P. Schmitt.(Jenness, Susan) (Entered: 03/05/2004)
03/02/2004	<u>4</u>	APPENDIX/EXHIBIT re <u>3</u> Complaint by Joseph P. Schmitt. (Jenness, Susan) (Entered: 03/05/2004)
03/02/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Cohen. (Jenness, Susan) (Entered: 04/22/2004)
03/08/2004	<u>5</u>	Letter/request (non-motion) from Joseph P. Schmitt. (Johnson, Jay) (Entered: 03/22/2004)
03/26/2004	<u>6</u>	Judge Rya W. Zobel : ORDER entered granting <u>1</u> Motion for Leave to Proceed in forma pauperis. The Clerk shall return the complaint to the undersigned for screening on the merits pursuant to 28 U.S.C. ? 1915(e) and summonses shall NOT issue pending the completion of screening on the merits. (Lanier, Marjorie) (Entered: 03/26/2004)
03/30/2004		Copy of document no. 6 mailed via us mail to plaintiff (Jenness, Susan) (Entered: 03/30/2004)
04/13/2004	<u>7</u>	MOTION for Court to Order Defendants to Produce a True



		Copy of Civil Action No. SUCV2002-02562(Jenness, Susan) Modified on 4/21/2004 (Johnson, Jay). (Entered: 04/16/2004)
04/15/2004	●8	Letter/request (non-motion) from Joseph P. Schmidt regarding address. (Johnson, Jay) (Entered: 04/20/2004)
05/03/2004	●9	Letter/request (non-motion) from Pro Se Intake Clerk reporting status on CA 04-10451-RWZ in response to request by plaintiff. (Jenness, Susan) (Entered: 05/03/2004)
05/03/2004	●	Status letter mailed to plaintiff via us mail 5/3/04 (Jenness, Susan) (Entered: 05/03/2004)
10/01/2004	●10	Judge Rya W. Zobel : ORDER entered. Having completed the screening on the merits of plaintiff's complaint pursuant to Section 1915(e)(2), the Clerk shall issue summonses and the United States Marshal shall serve a copy of the complaint, summons and this order upon defendants as directed by the plaintiff with all costs of service to be advanced by the United States.(Weissman, Linn) (Entered: 10/01/2004)
10/01/2004	●	Summons Issued as to Peter Allen, William Faria, William Grossi, Michael T Maloney, Massachusetts Department of Corrections, Jeffrey Smith, and Ernest Therien. (Weissman, Linn) (Entered: 10/01/2004)
10/01/2004	●11	Judge Rya W. Zobel : ORDER entered denying 7 Motion for Order for production of certain documents without prejudice. (Weissman, Linn) (Entered: 10/01/2004)
10/01/2004	●	Summons Issued as to Peter Allen, William Faria, William Grossi, Michael T Maloney, Massachusetts Department of Corrections, Jeffrey Smith, and Ernest Therien. (Weissman, Linn) (Entered: 10/01/2004)
10/25/2004	●12	US Marshal Process Receipt and Return for Civi Rights Action. Michael Maloney served Delivered on 10/15/04 (Johnson, Jay) (Entered: 10/26/2004)
10/25/2004	●13	US Marshal Process Receipt and Return for Civil Rights Action. Mass. Dept of Corrections served Delivered on 10/20/04 (Johnson, Jay) (Entered: 10/26/2004)
10/26/2004	●14	MOTION for Court Order for Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al by Joseph P. Schmitt.(Johnson, Jay) (Entered: 10/27/2004)

11/09/2004	<u>15</u>	MOTION to Compel by Joseph P. Schmitt.(Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	<u>16</u>	US Marshal Process Receipt and Return for Civil Rights Action. Peter Allen served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	<u>17</u>	US Marshal Process Receipt and Return for Civil Rights Action. William Grossi served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	<u>18</u>	US Marshal Process Receipt and Return for Civil Rights Action. Jeffrey Smith served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	<u>19</u>	US Marshal Process Receipt and Return for Civil Rights Action. Ernest Therien served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	<u>20</u>	US Marshal Process Receipt and Return for Civil Rights Action. William Faria served Delivered on 11/4/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	<u>21</u>	MOTION for Extension of Time to 12/20/04 to File Answer re <u>3</u> Complaint by Massachusetts Department of Corrections. (Silva, Philip) (Entered: 11/10/2004)
11/10/2004	<u>22</u>	MOTION for Leave to File <i>Exemption from Local Rule 7.1</i> by Massachusetts Department of Corrections.(Silva, Philip) (Entered: 11/10/2004)
11/15/2004		Judge Rya W. Zobel : electronic ORDER entered granting <u>21</u> Motion for Extension of Time to Answer Massachusetts Department of Corrections. (Urso, Lisa) (Entered: 11/15/2004)
11/16/2004		Judge Rya W. Zobel : endorsed ORDER entered granting exemption from Local Rule 7.1 requirement (Urso, Lisa) (Entered: 11/17/2004)
11/16/2004	<u>23</u>	Opposition re <u>21</u> MOTION for Extension of Time to 12/20/04 to File Answer re <u>3</u> Complaint filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 11/17/2004)
12/13/2004	<u>24</u>	Letter/request (non-motion) from Joseph P. Schmitt regarding request for ruling on motion to compel. (Johnson, Jay) (Entered: 12/14/2004)
12/16/2004	<u>25</u>	ANSWER to Complaint with JURY DEMAND by Peter

		Allen, William Faria, William Grossi, Massachusetts Department of Corrections, Jeffrey Smith, Ernest Therien. (Silva, Philip) (Entered: 12/16/2004)
12/16/2004	<u>26</u>	Judge Rya W. Zobel : order ORDER entered reserving ruling on <u>14</u> Motion for Order, reserving ruling on <u>15</u> Motion to Compel. Defendants have until 12/29/04 to file any oppositions. (Urso, Lisa) (Entered: 12/17/2004)
12/21/2004	<u>27</u>	NOTICE of Scheduling Conference Scheduling Conference set for 1/25/2005 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 12/21/2004)
12/23/2004	<u>28</u>	Opposition re <u>15</u> MOTION to Compel <i>Department of Correction to Provide Address for Defendant Maloney</i> filed by Massachusetts Department of Corrections. (Silva, Philip) (Entered: 12/23/2004)
12/23/2004	<u>29</u>	Opposition re <u>14</u> MOTION for Order to to Order Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al filed by Massachusetts Department of Corrections. (Attachments: # <u>1</u> Exhibit Ex. A - Docket Sheet)(Silva, Philip) (Entered: 12/23/2004)
12/28/2004	<u>31</u>	MOTION to Appoint Counsel by Joseph P. Schmitt.(Johnson, Jay) (Entered: 12/29/2004)
12/29/2004	<u>30</u>	MOTION for Writ of Habeas Corpus ad testificandum by Joseph P. Schmitt.(Johnson, Jay) (Entered: 12/29/2004)
12/30/2004	<u>32</u>	EMERGENCY REPLY to Response to Motion re <u>14</u> MOTION for Order to to Order Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al filed by Joseph P. Schmitt. (Johnson, Jay) Modified on 1/5/2005 (Johnson, Jay). (Entered: 01/04/2005)
12/30/2004	<u>33</u>	EMERGENCY REPLY to Response to Motion re <u>15</u> MOTION to Compel filed by Joseph P. Schmitt. (Johnson, Jay) Modified on 1/5/2005 (Johnson, Jay). (Entered: 01/04/2005)
01/05/2005		Notice of correction to docket made by Court staff. Correction: #28 Opposition to Motion to Compel corrected because: Opposition addresses the wrong motion, and is a duplicate of #29. Filer shall be required to re-file the document. (Johnson,



		Jay) (Entered: 01/05/2005)
01/05/2005	<u>34</u>	Opposition to Plaintiff's Motion to Compel by Massachusetts Department of Corrections <i>Refiled Opposition</i> (Silva, Philip) Modified on 3/3/2005 (Johnson, Jay). (Entered: 01/05/2005)
01/12/2005		Judge Rya W. Zobel : endorsed ORDER entered denying <u>14</u> Motion for Order (Urso, Lisa) (Entered: 01/12/2005)
01/19/2005	<u>35</u>	MOTION for Recusal by Joseph P. Schmitt.(Johnson, Jay) (Entered: 01/21/2005)
01/19/2005	<u>36</u>	MOTION for Reconsideration re <u>14</u> MOTION for Order to to Order Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al, Order on Motion for Order by Joseph P. Schmitt. (Johnson, Jay) (Entered: 01/21/2005)
01/21/2005	<u>37</u>	MOTION for Memorandum of Decision Regarding Denial of Plaintiff's Motion for Order filed on 1/12/05 by Joseph P. Schmitt.(Johnson, Jay) (Entered: 01/25/2005)
01/25/2005		electronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Scheduling Conference held on 1/25/2005; defendant to file motion for summary judgment and or to dismiss; 30 days after for opposition; (Urso, Lisa) (Entered: 01/27/2005)
02/01/2005	<u>38</u>	MOTION for Declaratory Judgment by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/03/2005)
02/01/2005	<u>39</u>	MOTION to Withdraw <u>35</u> MOTION for Recusal by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/03/2005)
02/01/2005	<u>40</u>	MEMORANDUM OF LAW by Joseph P. Schmitt to <u>38</u> MOTION for Declaratory Judgment. (Johnson, Jay) (Entered: 02/03/2005)
02/01/2005	<u>41</u>	AFFIDAVIT of Joseph Peter Schmitt re Scheduling Conference by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/03/2005)
02/04/2005	<u>44</u>	STATE COURT Record. (Johnson, Jay) (Entered: 02/09/2005)
02/07/2005	<u>42</u>	MOTION for Sanctions by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/09/2005)
02/07/2005	<u>43</u>	Opposition re <u>14</u> MOTION for Order to to Order Defendants



		to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al filed by Massachusetts Department of Corrections. (Johnson, Jay) (Entered: 02/09/2005)
02/25/2005	<u>45</u>	MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> by Jeffrey Smith, William Grossi, Peter Allen, William Faria, Ernest Therien, Massachusetts Department of Corrections.(Silva, Philip) (Entered: 02/25/2005)
02/25/2005	<u>46</u>	Cross MEMORANDUM in Support re <u>45</u> MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> filed by Jeffrey Smith, William Grossi, Peter Allen, William Faria, Ernest Therien, Massachusetts Department of Corrections. (Attachments: # <u>1</u> Exhibit A - 103 CMR 481 (12/8/00)# <u>2</u> Exhibit B 103 CMR 481 (4/26/02)# <u>3</u> Exhibit C 3/4/04 - letter# <u>4</u> Affidavit Robert Murphy# <u>5</u> Affidavit John Luongo# <u>6</u> Affidavit Certified Administrative Record)(Silva, Philip) (Entered: 02/25/2005)
02/25/2005	<u>47</u>	Opposition re <u>42</u> MOTION for Sanctions filed by Jeffrey Smith, William Grossi, Peter Allen, William Faria, Ernest Therien, Massachusetts Department of Corrections. (Silva, Philip) (Entered: 02/25/2005)
03/22/2005	<u>48</u>	Opposition re <u>45</u> MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 03/23/2005)
03/22/2005	<u>49</u>	Letter/request (non-motion) from Joseph P. Schmitt to Circuit executive regarding response to motions. (Johnson, Jay) (Entered: 03/23/2005)
03/22/2005	<u>50</u>	Letter/request (non-motion) from Joseph P. Schmitt requesting rulings on pending motions. (Johnson, Jay) (Entered: 03/23/2005)
03/30/2005	<u>51</u>	Judge Rya W. Zobel : OrderORDER entered denying <u>30</u> Motion for Writ of Habeas Corpus ad testificandum, granting in part and denying in part <u>31</u> Motion to Appoint Counsel, finding as moot <u>35</u> Motion for Recusal, denying <u>36</u> Motion for Reconsideration, denying <u>37</u> Motion for Order, reserving ruling on <u>38</u> Motion for Declaratory Judgment, granting <u>39</u> Motion to Withdraw, denying <u>42</u> Motion for Sanctions, reserving ruling on <u>45</u> Motion to Dismiss, denying <u>15</u> Motion to Compel (Urso, Lisa) (Entered: 03/31/2005)

04/05/2005	<u>52</u>	EX-PARTE and EMERGENCY MOTION for Authorization of Funds by Joseph P. Schmitt.(Johnson, Jay) (Entered: 04/06/2005)
04/05/2005	<u>53</u>	EMERGENCY MOTION to Stay by Joseph P. Schmitt. (Johnson, Jay) (Entered: 04/06/2005)
04/05/2005	<u>54</u>	Letter/request (non-motion) from Joseph Peter Schmitt requesting copies. (Johnson, Jay) (Entered: 04/06/2005)
04/21/2005		Judge Rya W. Zobel : endorsedORDER entered granting <u>53</u> Motion to Stay. (Urso, Lisa) (Entered: 04/22/2005)
04/21/2005		Judge Rya W. Zobel : endorsedORDER entered denying [52] Motion for Disbursement of Funds. This court has no authority to order the State Treasurer to provide funds for this purpose. (Urso, Lisa) (Entered: 04/22/2005)
04/25/2005	<u>55</u>	Letter/request (non-motion) from Joseph Schmitt requesting copies. (Johnson, Jay) (Entered: 04/27/2005)
04/28/2005	<u>56</u>	Letter/request (non-motion) from Joseph Schmitt requesting copies. (Johnson, Jay) (Entered: 04/29/2005)
06/22/2005	<u>57</u>	Emergency MOTION for Extension of Plaintiff's Emergency Motion for Stay of Action (53) by Joseph P. Schmitt.(Johnson, Jay) (Entered: 06/23/2005)
07/15/2005		Judge Rya W. Zobel : endorsedORDER entered granting <u>57</u> Motion for Extension of Time for stay. The stay is extended to 8/31/05. (Urso, Lisa) (Entered: 07/15/2005)
09/21/2005	<u>58</u>	Letter/request for ruling on defendants motion #45 from Joseph P. Schmitt. (Johnson, Jay) (Entered: 09/22/2005)
12/30/2005	<u>59</u>	NOTICE of Appearance by C. Raye Poole on behalf of all defendants (Poole, C.) (Entered: 12/30/2005)
01/10/2006		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Status Conference held on 1/10/2006. Jury or Bency Trial set for 4/3/2006 09:00 AM in Courtroom 12 before Judge Rya W. Zobel. Pretrial Conference set for 3/22/2006 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (to be tried with 04cv10717) (Urso, Lisa) (Entered: 01/10/2006)
01/24/2006	<u>60</u>	Supplement to MOTION for Summary Judgment by Jeffrey Smith, William Grossi, Peter Allen, Michael T Maloney,

		William Faria, Ernest Therien, Massachusetts Department of Corrections. (Attachments: # <u>1</u> Exhibit A-C)(Poole, C.) Modified on 1/25/2006 (Johnson, Jay). (Entered: 01/24/2006)
01/24/2006	<u>61</u>	MOTION to Stay <i>All Further Proceedings Until Such Time as the Court has Ruled on Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment and Supplement Thereto</i> by Jeffrey Smith, William Grossi, Peter Allen, Michael T Maloney, William Faria, Ernest Therien, Massachusetts Department of Corrections.(Poole, C.) (Entered: 01/24/2006)
01/25/2006		Documents terminated: <u>60</u> Supplemental MOTION for Summary Judgment filed by William Grossi,, Peter Allen,, Ernest Therien,, William Faria,, Massachusetts Department of Corrections,, Jeffrey Smith,, Michael T Maloney,. (Johnson, Jay) (Entered: 01/25/2006)
02/01/2006	<u>62</u>	MOTION for Court Order by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/02/2006)
02/01/2006	<u>63</u>	MOTION for Court Order of production of mail monitor records from defendants by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/02/2006)
02/01/2006	<u>64</u>	EMERGENCY MOTION to Stay defendant's pending motions until the court has ruled on plaintiff's outstanding motions... by Joseph P. Schmitt.(Johnson, Jay) Modified on 2/2/2006 (Johnson, Jay). (Entered: 02/02/2006)
02/01/2006	<u>65</u>	Opposition re <u>61</u> MOTION to Stay <i>All Further Proceedings Until Such Time as the Court has Ruled on Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment and Supplement Thereto</i> filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/02/2006)
02/01/2006	<u>66</u>	Opposition re <u>60</u> Supplemental MOTION for Summary Judgment filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/02/2006)
02/28/2006		Judge Rya W. Zobel : endorsedORDER entered denying <u>62</u> Motion for Order, denying <u>63</u> Motion for Order, denying <u>64</u> Motion to Stay as moot. (Urso, Lisa) (Entered: 03/01/2006)
03/03/2006	<u>67</u>	NOTICE of Appearance by Jody T. Adams on behalf of all defendants (Adams, Jody) (Entered: 03/03/2006)



03/22/2006	68	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Final Pretrial Conference held on 3/22/2006. Jury trial 4/3/06; 1-2 days; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 03/23/2006)
03/31/2006	68	Judge Rya W. Zobel : ORDER entered. PROCEDURAL ORDER re pretrial/trial Jury Trial set for 4/3/2006 09:00 AM in Courtroom 12 before Judge Rya W. Zobel.(Urso, Lisa) (Entered: 03/31/2006)
04/03/2006	68	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : ;Jury Trial Day one held on 4/3/2006; 8 jurors selected & sworn; opening by plaintiff then defendant; plaintiff's witness #1 Carter Thomas; direct; cross; redirect; witness #2 Jeffrey Smith; witness #3 Patrick Mulvey; witness #4 Stephen Kennedy; direct; cross; redirect; witness #5 Paul Gordon; witness #6 Peter Allen; plaintiff's rests; defendant's witness #1 Patrick Mulvey; direct; cross; redirect; recross; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 04/03/2006)
04/04/2006	68	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Jury Trial Day 2 held on 4/4/2006; defendant's witness # 2 Jeffrey Smith; cross; redirect; recross; witness #3 Ernest Therien; cross; witness #4 William Faria; cross; witness #5 Peter Allen; direct; defendant's rest' no rebuttal; Jury charge; Jury verdict for the plaintiff in the amount of \$302.00. (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 04/04/2006)
04/04/2006	69	Exhibit and witness List. (Urso, Lisa) (Entered: 04/05/2006)
04/04/2006	70	JURY VERDICT in favor of plaintiff against defendants. (Urso, Lisa) (Entered: 04/05/2006)
04/05/2006	71	Judge Rya W. Zobel : ORDER entered. JUDGMENT in favor of plaintiff against defendants in the amount of \$101.00(Urso, Lisa) (Entered: 04/05/2006)
04/12/2006	72	MOTION for court Order by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006	73	MOTION for Attorney Fees by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006	74	MOTION to recover expenses by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)



04/12/2006	<u>75</u>	MOTION for Reconsideration and/or notice of appeal re: directed verdict by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006	<u>76</u>	MOTION for Order against defendants by Joseph P. Schmitt. (Urso, Lisa) (Entered: 04/18/2006)
04/12/2006	<u>77</u>	MOTION for transcripts by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/13/2006		DOCKET SHEET sent to Joseph P Schmitt. (Sonnenberg, Elizabeth) (Entered: 04/13/2006)
04/21/2006	<u>78</u>	MOTION for Extension of Time to May 12, 2006 to File Response/Reply as to <u>72</u> MOTION for Order by Jeffrey Smith, Peter Allen.(Poole, C.) (Entered: 04/21/2006)
04/21/2006	<u>79</u>	Opposition re <u>73</u> MOTION for Attorney Fees, <u>74</u> MOTION to recover expenses, <u>75</u> MOTION for Reconsideration filed by Jeffrey Smith, Peter Allen. (Attachments: # <u>1</u> Exhibit A and B) (Poole, C.) (Entered: 04/21/2006)
04/21/2006	<u>80</u>	Letter/request (non-motion) from Joseph Schmitt requesting names and addresses of all jurors. (Johnson, Jay) (Entered: 04/25/2006)
05/01/2006	<u>81</u>	REPLY to Response to Motion re <u>73</u> MOTION for Attorney Fees, <u>74</u> MOTION to recover expenses, <u>75</u> MOTION for Reconsideration filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 05/02/2006)
05/01/2006		Judge Rya W. Zobel : endorsedORDER entered denying <u>73</u> Motion for Attorney Fees, denying <u>74</u> Motion to recover expenses, granting <u>78</u> Motion for Extension of Time to File Response/Reply re <u>72</u> MOTION for Order Responses due by 5/12/2006 (Urso, Lisa) (Entered: 05/02/2006)
05/05/2006	<u>82</u>	MOTION for Reconsideration by Joseph P. Schmitt.(Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	<u>83</u>	NOTICE OF APPEAL as to Order on Motion for Attorney Fees,, Order on Motion for Miscellaneous Relief,, Order on Motion for Extension of Time to File Response/Reply, by Joseph P. Schmitt. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be

		completed and submitted to the Court of Appeals. Appeal Record due by 5/25/2006. (Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	●	Judge Rya W. Zobel : Electronic ORDER entered denying <u>76</u> Motion for Order. " Denied as premature" (Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	●	Judge Rya W. Zobel : Electronic ORDER entered denying <u>77</u> Motion for transcripts (Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	●	Judge Rya W. Zobel : Electronic ORDER entered denying <u>75</u> Motion for Reconsideration. "Denied as plaintiff agreed to the dismissal of these defendants" (Johnson, Jay) (Entered: 05/05/2006)